

TJL

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/802,324	NAKAGOME ET AL.
	Examiner	Art Unit
	Noah Kamen	3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed 10/10/05.
2.  The allowed claim(s) is/are 1-8, 10-18 and 20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

Noah Kamen  
Primary Examiner  
Art Unit: 3747

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Hamre on 10/19/05.

Amend claims 6, 10, 13, 14, and 17 as follows:

6. (Currently Amended) The intake apparatus according to claim 1, wherein the actuator ~~being~~ is mounted on the vehicle in order to drive an operating member that is controlled in response to the number of revolutions of the engine.

10. (Currently Amended) An intake apparatus of an engine for a vehicle, the intake apparatus comprising:

an air cleaner, ~~the air cleaner~~ having a first air intake passage and a second air intake passage, with both said first and second air intake passages being ~~being~~ disposed so as to face a forward direction when installed on the vehicle; ~~the~~ first air intake passage is being larger than the second air intake passage, and

~~an actuator to drive the air intake apparatus in response which drives a valve unit, said actuator being responsive~~ to engine rotation such that the first air intake passage is open and the second air intake passage is closed when the engine rotates at a first speed, and the first air intake passage is closed and the second air intake passage is open when the engine rotates at a second speed, ~~wherein~~ the first speed being greater than the second speed.

13. (Currently Amended) The intake apparatus according to claim 10, wherein a plurality of the first and second air intake passages are provided, and ~~a member that said valve unit which~~ is configured to open and close the first and second air intake passages is made as a single structure.

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14. (Currently Amended) The intake apparatus according to claim 10, ~~further comprising wherein said valve unit comprises a plurality of control valves configured to control the opening and closing of the first and second air intake passages are provided in the respective passages, and wherein~~ the respective control valves are controlled to open and close in a manner of being mutually interlocked.

17. (Currently Amended) The intake apparatus according to claim 10, wherein the first and second air intake passages are formed into an approximately triangular shape ~~and being are~~ upwardly convex, and are formed to go along a lower end edge of a front cowl when viewed from the front of the vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah Kamen whose telephone number is 571 272 4845. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571 272 4856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Noah Kamen  
Primary Examiner  
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